

AMENDED IN ASSEMBLY JUNE 22, 2006

AMENDED IN SENATE APRIL 11, 2005

SENATE BILL

No. 775

Introduced by Senator Cox

February 22, 2005

An act to ~~add Section 4055 to~~ *amend Section 4050 of the Water Code, relating to water.*

LEGISLATIVE COUNSEL'S DIGEST

SB 775, as amended, Cox. ~~California regional water quality control board members: conflicts of interest. Watermasters: court appointments.~~

Existing law provides for the establishment of watermaster service areas by the Department of Water Resources for the purpose of ensuring the most practical and economic supervision of the distribution of water. Existing law permits the appointment by the department of a watermaster in a service area upon the written request of owners or governing bodies of at least 15% of the conduits lawfully entitled to directly divert water in that service area.

This bill would ~~permit a court specify that, upon a petition of a similar percentage of, made to a court in which a relevant judicial decree has been entered, by the owners or governing bodies in the service area to~~ *of at least 15% of the conduits lawfully entitled to directly divert water in a service area subject to that decree, may appoint a watermaster in lieu of an appointment by the department, with the powers and duties of a watermaster appointed by the department, except as the court otherwise orders public agency as a watermaster to replace the watermaster appointed by the department. The bill would provide that a watermaster appointed pursuant to this*

provision would have the powers and duties prescribed by the court pursuant to the exercise of its judicial authority. The bill would provide that specified provisions apply to the service area for which a watermaster is appointed pursuant to this provision only to the extent determined by the court.

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 *SECTION 1. Section 4050 of the Water Code is amended to*
2 *read:*

3 4050. (a) Upon written request—~~of submitted to the~~
4 *department by the owners or governing bodies of at least 15-per*
5 ~~cent~~ *percent of the conduits lawfully entitled to directly divert*
6 *water from the streams or other sources of water supply in any*
7 *service area, the department may, if in its discretion necessity*
8 ~~therefor exists~~ *it determines that it is necessary, appoint a*
9 *watermaster and if necessary, in its discretion, one or more*
10 *deputy watermasters for the service area.*

11 (b) *Upon petition, made to a court in which a relevant judicial*
12 *decree has been entered, by the owners or governing bodies of at*
13 *least 15 percent of the conduits lawfully entitled to directly divert*
14 *water from the streams or other sources of water supply in any*
15 *service area, the court may appoint a public agency as*
16 *watermaster under this part to replace the watermaster*
17 *appointed by the department.*

18 (c) (1) *A watermaster appointed pursuant to subdivision (b)*
19 *shall have the powers and duties prescribed by the court*
20 *pursuant to the exercise of its judicial authority, which may*
21 *include any powers and duties prescribed by this part.*

22 (2) *This part shall apply to the service area for which a*
23 *watermaster is appointed pursuant to subdivision (b) only to the*
24 *extent determined by the court.*

25 ~~SECTION 1. Section 4055 is added to the Water Code, to~~
26 ~~read:~~

27 ~~4055. (a) Upon petition of the owners or governing bodies of~~
28 ~~at least 15 percent of the conduits lawfully entitled to directly~~
29 ~~divert water from the streams or other sources of water supply in~~
30 ~~any service area for which the department has appointed a~~

1 ~~watermaster pursuant to Section 4050, and upon notice to all~~
2 ~~other owners or governing bodies in the service area, a court with~~
3 ~~appropriate jurisdiction may, if good cause exists therefor,~~
4 ~~appoint a watermaster in lieu of an appointment by the~~
5 ~~department. The watermaster appointed by the court shall have~~
6 ~~all of the powers and duties enumerated in this part, except as~~
7 ~~ordered by the court.~~
8 ~~(b) Nothing in this section shall affect the authority of any~~
9 ~~court to appoint a watermaster without reference to Section 4050,~~
10 ~~or the court's supervision of a watermaster so appointed.~~